

February 13, 2012

Ms. Lenita Jacobs-Simmons  
Regional Administrator  
U.S Department of Labor  
Employment and Training Administration  
The Curtis Center, Suite 825 East  
170 S. Independence Mall West  
Philadelphia, Pennsylvania 19106-3315

RE: Workforce Investment Act Waiver Request for Required Statewide Activities

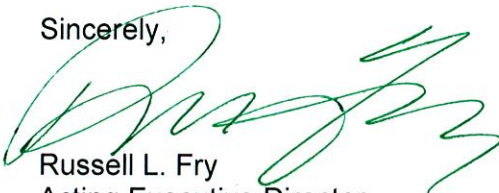
Dear Ms. Jacobs-Simmons:

Please see the attached West Virginia Workforce Investment Act Waiver Request for Required Statewide Activities for final submission to [WIA.Plan@dol.gov](mailto:WIA.Plan@dol.gov) in accordance with the Training and Employment Guidance Letter (TEGL) 9-11, Attachment III.

This waiver request has been reviewed and was submitted to our WorkForce West Virginia website for public comment on December 28, 2011 and pulled from the website on February 1, 2012 with no comments posted for review or consideration.

If you should require anything further in this matter, please let us know.

Sincerely,



Russell L. Fry  
Acting Executive Director

Attachment:

cc: Valerie Comer, Deputy Executive Director, Federal Programs  
Martha Craig-Hinchman, Assistant Director, Employment Services Division  
Linda Avila, DOL, Regional Office

## STATE OF WEST VIRGINIA

### Workforce Investment Act Waiver Request: Required Statewide Activities

As the Governor's designated state agency administering West Virginia's Workforce Investment Act (WIA) activities, WorkForce West Virginia (WorkForce WV) requests a waiver of the requirement to conduct evaluations of workforce investment activities for adults, dislocated workers, and youth and the requirement to provide incentive grants to local areas.

The intent of this waiver request is to reduce the number of statewide activities required under WIA. Our goal in seeking this waiver is to ensure that the state may prioritize the use of Governor's Discretionary State Set-Aside funds for activities we have determined the most essential to the basic functions of the workforce investment system.

In compliance with WIA Section 189(i)(4)(B) and 29 CFR 661.420(c), please accept the following request for a waiver.

#### **A. Statutory or Regulatory Requirements to be Waived:**

1. WIA Section 134(a)(2)(B)(ii) and 20 CFR 665.200(d) requiring the conduct of evaluations of workforce investment activities for adults, dislocated workers, and youth; and
2. WIA Section 134(a)(2)(B)(iii) and 20 CFR 665.200(e) requiring provision of incentive grants to local areas.

#### **B. State or Local Statutory or Regulatory Barriers**

There are no state statutory, local statutory or regulatory barriers to this waiver request.

#### **C. Goals of the Waiver and Expected Programmatic Outcomes if Waiver is Granted**

The reduction from 15 percent to five percent in the WIA allotment for Program Year 2011 for the Governor's Discretionary State Set-Aside funds restricts the state's ability to effectively fund and carry out all of the required statewide workforce investment activities. The current funding level in Governor's Discretionary funds is insufficient to cover the costs of conducting evaluations and providing incentive grants to local areas. Therefore, the state's reduced funds are being used to cover the following required activities:

- Operating fiscal and management accountability information systems (WIA Section 134(a)(2)(B)(vi) and 20 C.F.R. 665.200(b)(1));
- Submitting required reports (WIA Section 136(f)); and;
- Providing technical assistance to poor performing local areas (WIA Section 123(a)(2)(B)(iv) and 20 C.F. R. 665.200(f)).



**1. WIA Section 134(a)(2)(B)(ii) and 20 CFR 665.200(d) requiring the conducting of evaluations of workforce investment activities for adults, dislocated workers, and youth; and**

With limited funding available in the past WorkForce WV has not previously focused Governor's Discretionary State Set-Aside funding on comprehensive formal evaluations of workforce investment activities. WorkForce WV continues to monitor and provide technical assistance to improve performance outcome measures as reflected by the USDOL Annual Report Analysis: State of West Virginia PY2010 noting that WV exceeded 7 measures, met 2 measures, and failed 0 measures. Therefore, this waiver from the requirement to conduct special formal evaluations should not impact the on-going goals for meeting and exceeding performance results.

**2. WIA Section 134(a)(2)(B)(iii) and 20 CFR 665.200(e) requiring provision of incentive grants to local areas.**

WorkForce WV has not provided incentive grants in previous years for special performance by the local WIBs. Therefore, this waiver from the requirement to provide incentive grants to local areas, (WIA Section 134(a)(2)(B)(iii) and 20 CFR 665.200(e)) will not reflect any changes to the goals and outcomes of services to customers or local areas.

**D. Description of Individuals Impacted by Waivers**

This waiver will provide WorkForce West Virginia with more flexibility in directing Governor's Discretionary State Set-Aside fund to those activities that best preserve basic functions of the statewide workforce investment system.

**1. WIA Section 134(a)(2)(B)(ii) and 20 CFR 665.200(d) requiring the conduct of evaluation of workforce investment activities for adults, dislocated workers, and youth; and**

The actual services provided to the customers and local workforce investment board areas will not be impacted by this waiver request from performing formal evaluations of the workforce system because WorkForce WV utilizes several different processes and tools for evaluating the workforce system. There is on-going analysis of services provided and accessed by customers as tracked through the Mid-Atlantic Career Consortium (MACC) system. We also use the following to determine the effectiveness of the workforce system which includes an analysis of annual data validation results used to identify needed system improvements, conduct informal and formal customer satisfaction surveys for improving the quality of customer service activities, and form work groups or focus groups highlighting the needs of adults, youth, and dislocated workers.

**2. WIA Section 134(a)(2)(B)(iii) and 20 CFR 665.200(e) requiring provision of incentive grants to local areas.**

The actual services to the customers will not be impacted by this waiver because WIA formula funds will continue to be allocated as a standard policy for providing services to adults, youth, and dislocated workers.

West Virginia has a proven record of its commitment to the customer and their outcomes which is indicated in our last WIA Annual Report to USDOL with employment retention rates and average earnings above the negotiated levels.

Due to the changing economy and increase in customer needs, WorkForce WV will continue to use additional flexibility to determine customized solutions to meet the needs of our customers.

**E. Process for monitoring progress in implementation**

WorkForce West Virginia will monitor implementation progress and ensure accountability for Federal funds in connection with these waivers by monitoring monthly expenditures, performance outcomes, regular contact with the Regional USDOL Office, monthly and quarterly reports to USDOL and through the State's monitoring and performance accountability system.

**F. Provide notice to any Local Board affected by the waiver:**

Notice will be provided to the local WIBs at their next WIB Director's Meeting in December 2011.

**G. Ensure meaningful public comment, including comment by business and organized labor:**

West Virginia will post the announcement of this waiver request on the WorkForce WV website to invite comment from the public, including comments from business representatives and organized labor representatives for 30 days.

Public comments may be sent to [feedback](#).